


PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number: 08215-539001
I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450. Date of Deposit _____ Signature _____ Typed or Printed Name of Person Signing Certificate _____	Application Number 10/716,543	Filed November 20, 2003
	First Named Inventor Tomas I. Babic et al.	
	Art Unit 2835	Examiner Anatoly Vortman
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a Notice of Appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record <u>37,640</u> (Reg. No.)</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input checked="" type="checkbox"/> Total of 5 pages are submitted.</p>		



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 July 11, 2007
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Tomas I. Babic et al.	Art Unit :	2835
Serial No. :	10/716,543	Examiner :	Vortman, Anatoly
Filed :	November 20, 2003	Confirmation No.:	5678
Title :	MECHANICAL REINFORCEMENT STRUCTURE FOR FUSES		

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pursuant to United States Patent and Trademark Office OG Notices: 12 July 2005 - New Pre-Appeal Brief Conference Pilot Program, a request for a review of identified matters on appeal is hereby submitted with the Notice of Appeal. Review of these identified matters by a panel of examiners is requested because the rejections of record are clearly not proper and are without basis, in view of a clear legal or factual deficiency in the rejections. All rights to address additional matters on appeal in any subsequent appeal brief are hereby reserved.

Claims 1-7 and 9-39 are pending, with claims 1, 25 and 33 being independent. Each of claims 1 and 38 is directed to a fuse that includes, among other elements, a fuse tube assembly comprising a pre-formed tubular support structure surrounding at least a portion of an electrical assembly and a reinforcing structure formed over the pre-formed tubular support structure after the pre-formed tubular support structure is formed. Claim 25 is directed to a method of reinforcing a fuse that includes, among other steps, surrounding at least a portion of an electrical assembly by a pre-formed tubular support structure, and, after surrounding at least a portion of the electrical assembly by the pre-formed tubular support structure, applying a reinforcing structure over the pre-formed tubular support structure.

Claims 1-4, 6-11, 14, 16, 17, 22-25, 27-29, 31-33, 37-39 have been rejected as being anticipated by U.S. Patent No. 3,979,709 ("Healey"). Dependent claim 5 has been rejected as obvious over Healey in view of U.S. Patent No. 4,349,803 ("Tobin"). Claims 12, 13, and 26 have been rejected as obvious over Healey in view of U.S. Patent No. 4,028,656 ("Schmunk"). Claim 15 has been rejected as obvious over Healey in view of Schmunk and in further view of U.S. Patent No. 5,261,980 ("Pearce"). Claims 18-21, 30, and 34-36 have been rejected as obvious over Healey.

Applicant specifically asks the panel to review the issues highlighted below.

1. Healey does not describe a method that includes applying a reinforcing structure over a pre-formed tubular support structure after surrounding at least a portion of an electrical assembly with the pre-formed tubular support structure, as recited in claim 25.

Healey relates to an electric fuse having a laminated casing 6 formed of multiple layers of resin-impregnated glass cloth. In particular, three plies 6a, 6b, and 6c, of a woven glass fiber fabric material are sandwiched together and then impregnated with a thermosetting resin to integrate the three plies into a single tubular laminate to form the case. The casing is formed by a pultrusion process in which all layers of the laminate are folded on a mandrel and then infused with resin. As such, even if some portion of the casing 6 could be argued to correspond to the pre-formed tubular support structure recited in claim 25, no portion of the casing 6 could be said to be formed after the other portion of the casing 6 surrounds a portion of the electrical assembly, since such an arrangement would be precluded by the presence of the mandrel.

Accordingly, for at least this reason, the rejection of claim 25 and its dependent claims should be withdrawn.

2. Healey does not describe a method that includes applying a reinforcing structure over a pre-formed tubular support structure, as recited in claim 25.

Through the recitation of "pre-formed" and the recitation that the reinforcing structure is applied after the pre-formed tubular support structure surrounds at least a portion of the electrical assembly, claim 25 requires that the pre-formed tubular structure is formed before the reinforcing structure is applied. This does not occur in Healey. In particular, while the rejection asserts that plies 6a and 6b of Healey's casing 6 correspond to the recited pre-formed tubular support structure and that ply 6c corresponds to the recited reinforcing structure, plies 6a and 6b by themselves cannot be said to form a tubular support structure until after they have been integrated with ply 6c and cured. Thus, even when plies 6a, 6b, and 6c have been formed into a rigid structure, there is no pre-formed tubular support structure over which a fiber matrix reinforcing structure is formed. Rather, there is only a single structure in which the plies 6a, 6b, and 6c are integrated.

Accordingly, for at least this additional reason, the rejection of claim 25 and its dependent claims should be withdrawn.

3. The recitation in claims 1 and 38 that the reinforcing structure is formed over the pre-formed tubular support structure after the pre-formed tubular support structure is formed is not merely referring to the sequence of putting fuse components together; rather, it is referring to a structural feature of the resulting fuse and is entitled to patentable weight.

In response to statements in an Examiner's Answer that the recitation "pre-formed tubular support structure" did not require the tubular support structure to be formed before the reinforcing structure, applicants amended claims 1 and 38 to specifically recite this feature so as to further define "pre-formed". The final rejection asserts that the recitation that the reinforcing structure is formed after the pre-formed tubular support structure is formed does not affect the end structure. Applicant disagrees. In particular, since the claims recite that the pre-formed tubular support structure is formed before the reinforcing structure is formed, this necessarily requires the fuse to include a tubular support structure independent of the reinforcing structure. Thus, if the fuse were disassembled and the reinforcing structure were removed, a tubular support structure would remain. By contrast, in a fuse such as disclosed by Healey, no tubular support structure would remain after the reinforcing structure is removed.

4. Healey does not disclose a pre-formed tubular support structure and a reinforcing structure formed over the pre-formed tubular support structure, as recited in claims 1 and 38.

As noted above, Healey relates to an electric fuse having a laminated casing 6 formed of multiple layers of resin-impregnated glass cloth. Thus, all layers of the laminated casing are formed and integrated together, and Healey does not disclose a pre-formed tubular support structure over which a fiber matrix reinforcing structure is formed.

The rejection asserts that plies 6a and 6b correspond to the recited pre-formed tubular support structure and that ply 6c corresponds to the recited reinforcing structure. However, plies 6a and 6b are not a preformed tubular support structure. This is particularly evident because, for the plies 6a, 6b, and 6c, to be formed into a casing, they must be laid over an inner mandrel D2 of a die that is used to define the shape of the casing. However, the plies 6a and 6b by

themselves do not form a tubular support structure until after they have been integrated with ply 6c and cured. Thus, even when plies 6a, 6b, and 6c have been formed into a rigid structure, there is no pre-formed tubular support structure over which a fiber matrix reinforcing structure is formed. Rather, there is only a single structure in which the plies 6a, 6b, and 6c are integrated.


Accordingly, for at least these reasons, the rejection of claims 1 and 38, and their dependent claims, should be withdrawn.

Applicant submits that all claims are in condition for allowance.

The fee in the amount of \$500 for the appeal fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 7/11/07



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